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FOLEY & LARDNER
BARRY S. WILSON
PO BOX 80278
SAN DIEGO, CA 92138-0278



700048211A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/14/2003

REEL/FRAME: 014048/0892
NUMBER OF PAGES: 3

COPY

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BUECHLER, KENNETH F., PH.D.

DOC DATE: 10/10/2003

ASSIGNEE:

BIOSITE DIAGNOSTICS, INC.
11030 ROSELLE STREET
SUITE D
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09613650
PATENT NUMBER:FILING DATE: 07/11/2000
ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Appendix A

NOV. 8. 2004 11:24AM
OCT. 14. 2003 3:05PM

FOLEY 8587926773 PAGE 3/3
858 22-6773 FOLEY AND LARDNER
10/14/2003
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RIGHT PAA NO. 1404 P. 56
NO. 4826 P. 2

Atty. Dkt. No. 071949-1307

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| FORM PTO-1595 (modified) (Rev 8-92) | | U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office | |
| RECORDATION FORM COVER SHEET PATENTS ONLY | | | |
| To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof. | | | |
| 1. Name of conveying party(ies): Kenneth F. Buechler, Ph.D. | | 2. Name and address of receiving party(ies): Biosite Diagnostics, Inc. 11030 Roselle Street Suite D San Diego, CA 92121 | |
| Additional conveying party(ies) NO | | | |
| 3. Nature of conveyance: ASSIGNMENT Execution Date: October 10, 2003 | | Additional name(s) & address(es) attached? NO | |
| 4. Application number(s) or patent number(s): If this is being filed together with a new application, the execution date of the application is: A. Patent Application Number(s): 09/613,650 B. Patent Number(s): Additional numbers attached? NO | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Barry S. Wilson FOLEY & LARDNER P.O. Box 80278 San Diego, California 92138-0278 | | 6. Total number of applications/patents involved: 1 7. Total fee (37 C.F.R. § 3.41): \$40.00 Check Enclosed <input checked="" type="checkbox"/> Charge to deposit account 8. Deposit account number: 50-0872 | |
| DO NOT USE THIS SPACE | | | |
| 9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account. Barry S. Wilson Name of person signing Signature October 14, 2003 Date Total number of pages including cover sheet, attachments, and document: 3 | | | |

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DLMP243641.1



NOV. 8. 2004 11:24AM

FOLEY 8587926773

NO. 1404 P. 57

Facsimile Transmission

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Company: BARRY S. WILSON
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Number of pages including this cover sheet: 03

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Atty. Dkt. No. 071949-1307

ASSIGNMENT AND AGREEMENT

WHEREAS, Kenneth F. Buechler, Ph.D. of PO Box 77, Rancho Santa Fe, CA 92067; (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **DIAGNOSTIC DEVICES AND APPARATUS FOR THE CONTROLLED MOVEMENT OF REAGENTS WITHOUT MEMBRANES** (Atty. Dkt. No. 071949-1307) for which an application for United States Letters Patent was filed on July 11, 2000 as Application No. 09/613,650; and

WHEREAS, Biosite Diagnostics, Inc., a corporation duly organized and existing under the laws of the State of Delaware, and having its principal place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121 (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue

Atty. Dkt. No. 071949-1307

applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of Foley & Lardner the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of Foley & Lardner do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

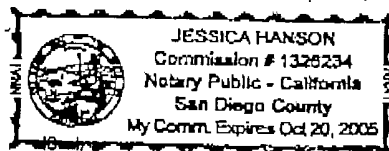
Executed this 10 day of Oct, 2003

Kenneth F. Buechler

KENNETH F. BUECHLER, PH.D.

State of California
County of San Diego

On this 10 day of October, 2003, before me, a notary public in and for said county, appeared KENNETH F. BUECHLER, PH.D., who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



[Signature]
Notary Public
My Commission Expires: 10/20/05

NOV. 8. 2004 11:25AM

FOLEY 8587926773



U/NO. 1404-IP. 604
6,156,270
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

OCTOBER 24, 1997

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TIMOTHY J. LITHGOW, M.D., J.D.
FIRST INTERSTATE WORLD CENTER
633 WEST FIFTH STREET, SUITE 4700
LOS ANGELES, CA 90071



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RECORDATION DATE: 09/02/1997

REEL/FRAME: 8710/0719
NUMBER OF PAGES: 4

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BUECHLER, KENNETH FRANCIS

DOC DATE: 08/15/1997

ASSIGNEE:

BIOSITE DIAGNOSTICS, INCORPORATED
11030 ROSELLE STREET, SUITE D
SAN DIEGO, CALIFORNIA 92121

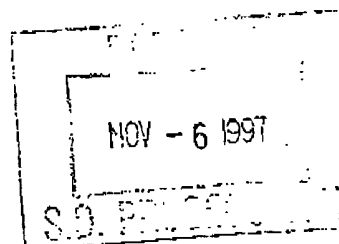
SERIAL NUMBER: 08828041

FILING DATE: 03/27/1997

PATENT NUMBER:

ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
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U.S. PROSECUTION

Appendix B

NOV. 8. 2004 11:25AM FOLEY 8587926773-1997

NO. 1404 P. 61

FORM PTO-1595

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(Rev. 6-93)

OMB No. 0651-0011 (exp. 6/94)

SEP 02 1997



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Patent and Trademark Office

08 828 041

69169 U.S. PRO

08/828041

09/19/97

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Kenneth Francis Buechler

MRD

9-2-97

2. Name and address of receiving party(ies)

Biosite Diagnostics, Incorporated
11030 Roselle Street, Suite D
San Diego, CA 92121

Additional name(s) of conveying party(ies) attached? Yes No X

3. Nature of conveyance:

x Assignment

x

x

Additional name(s) & address(es) attached? Yes No X

Execution Date: 15 August 1997

4. Application number(s) or patent number(s):

08/828,041 filed 27 March 1997

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No X

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Timothy J. Lithgow, M.D., J.D.

Internal Address: San Diego Office

Street Address: First Interstate World Center
633 West Fifth Street
Suite 4700

City: Los Angeles, CA 90071

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$40.00

x Enclosed

x

8. Deposit account number:

12-2475

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Timothy J. Lithgow

Name of Person Signing

Signature

06 Aug 1997
Date

Total number of pages including cover sheet, attachments, and document:

09/19/1997 NVILLARI 00000020 08828041
05 FC:581Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

225/104
PatentASSIGNMENT

For valuable consideration, I, Kenneth F. Buechler of 12523 Manifesto Place, San Diego, California 92130, hereby assign to Biosite Diagnostics Incorporated, having a place of business at 11030 Roselle Street, Suite D, San Diego, California 92121, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the invention and improvements which are the subject of application for United States Patent filed 27 March, 1997, entitled DIAGNOSTIC DEVICES AND APPARATUS FOR THE CONTROLLED MOVEMENT OF REAGENTS WITHOUT MEMBRANES, this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and I agree for myself and my heirs, legal representatives and assigns, without further compensation to perform such
/ / /

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225/104

Patent

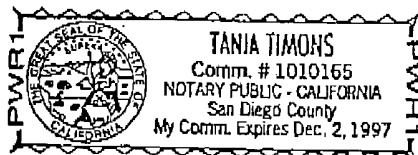
lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego, California, this 15 day of August, 1997.

Kenneth F. Buechler
Kenneth F. Buechler

State of California :
County of San Diego ^{ss.} :

Before me this 15th day of August, 1997, personally appeared Kenneth F. Buechler known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.



Tania Timons
Notary Public
My commission expires:

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PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled DIAGNOSTIC DEVICES AND APPARATUS FOR THE CONTROLLED MOVEMENT OF REAGENTS WITHOUT MEMBRANES, the specification of which

is attached hereto.

X was filed on 27 March 1997, as Application Serial No. 08/828,041 and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COPY

| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |
|----------|-----------|------------------------|-----|----|
| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |
| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Timothy J. Lithgow, Registration No. 36,856.

[X] Kindly recognize as associate attorney:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; ; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. P38,948; Robert C.

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Laurenson, Reg. No. 34,206; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Richard J. Warburg, Reg. No. 32,327; Jessica R. Wolff, Reg. No. 37,261; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; F.T. Alexandra Mahaney, Reg. No. 37,668; Charles S. Berkman, Reg. No. 38,077; and Anthony C. Chen, Reg. No. 38,673.

Address all telephone calls to Timothy J. Lithgow at telephone no. (619) 552-8400

Address all correspondence to Timothy J. Lithgow, Lyon & Lyon, 633 West Fifth Street, Suite 4700, Los Angeles, CA 90071-2066

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of first inventor Kenneth Francis Buechler

Inventor's signature Kenneth Francis Buechler Date 8/15/97

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Residence 12523 Manifesto Place, San Diego, California 92130

Citizenship United States of America

Post Office Address 12523 Manifesto Place, San Diego, California 92130

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